Previous references.

1906.

(Legislation)

File No. 22 of 06

Serial Nos.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 6

(12)

Part B. for See. of

SUBJECT.

Exemption from attachment by Civil Courts of retiring fund amounts at the credit of Men & officers Service Regiment.

Table of Contents

G. R. S. 58.	From the Military Asst. to Govt No 2337 dt 12.12.07 forwards for necessary action a file of the papers relating to the exemption from attachment by Civil Courts of the retiring fund amounts of the officers and men of the Mysore Local Service Lancers To the Asst to Govt No 91882 dt 5.1.07 Requesting to ask the Chief Commandt to give particulars of the cases in which retiring fund amounts of the above Regt have been attached by order of Civil Courts
3	From the Military Asst No 3987 dt 28.6.07 forwards the Mysore Lancers Coy. for

Previous references.

1906
(Legislation)

File No. 227

Serial Nos. 1

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–6

(12)

Part B. for See. 06

SUBJECT.

Exemption from attachment by Civil Courts of retiring fund amounts at the credit of Indian officers & Local Service Regiment

Table of Contents

	From the Military Asst. to Govt No 2337 dt 12.12.07 forwards for necessary action a file of the papers relating to the exemption from attachment by Courts of the retiring fund amounts of the Officers and men of the Imperial Local Service Lancers
	To the Mil Asst to Govt No 91882 dt 5.1.07 Requesting him to ask the Chief Commander to give particulars of the cases in which the retiring fund amounts of the above Regt have been attached by order of Civil C.
G. R. S. 58	
3	From the Military Asst No 3987 dt. forwards the Information Also to

To the Military Asst to Govt No 3601 of 51 (7)

Requesting him to send a copy of the rules Constituting the retiring pension of the U.S. Regiment with information as to the basis on which the Standard, Orders of the U.S. Regiment for their Validity

From
The Military Asst to Govt No 4465 of 48

Forwarding a copy of a letter from the Commandant furnishing the information

To
The Military Asst to Govt No 4132 of 46.1

States that the amendment of the Civil Pro Code will soon have to be taken up and that the matter will be considered that Connection

G. R. S. 11]

1906-07

GENERAL AND REVENUE SECRETARIAT

(Legislation)

NOTES.

File. No 2

FILE HEADING.

Exemption from attachment by Civil Courts of retiring fund amounts at credit of men quitting the Local Service Regiment.

From

The Military Secretary

No. 2337 Dated 12/12/06 Received 13/12/06

Diary No. 7402 | Enclos. 2 | Spare Copies. — | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for favour of necessary action a file of papers on the subject

NOTES AND ORDERS.

1 There is a recommendation by the Chief Commr for the extension to the Local Service Regiment of a like privilege conferred on the Imp Service Regt by art 613 of the Standing orders of Part II of the Imp Service ~~Regt~~

NOTES—First sheet.

MGCPB—30,000—17-2-05

Serial No.

L.V. Francke
Secy
14/12/06 SW 14/12/06

The point in question does not come under "Pay & Allowances" of Military officers and were exempted from attachment under the Code of Civil Procedure Sec. 266 (i) It seems therefore necessary to issue a Standing order similar to Rule 613 of Standing orders, Bengal Imperial Service Lancers, in order to legalize the privilege of exemption from attachment in the case of Local Service Regiment. Lt. Col Jones expresses a doubt as to the usefulness of the proposed legislation because when once the money has been paid there is no restriction on the creditor attaching it. But ~~if the case of Civil Court at the instance~~ in the absence of such legislation a Civil Court may at the instance of a creditor issue a general notice to the Chief Commandant not to pay over the amount until the further orders of the Court and Pa

Serial No.

the order of the Court has been observed, the Bazil with which the fund was started will be furnished. Once the money is paid to the Sowar, it is his own to recover it. The proposed legislation will effectually prevent the attachment of the amount subscribed before it is handed over to the Sowar.

Secy [illegible] 15/12/06

3 I am not aware that any of these standing orders (Mr. Dean the Rules embodied in the Mysore Military Order II of 1899) have the force of laws, or are binding on the Courts. Please get the initial Sections of the Standing Orders which contain the enacting portion.

legible [illegible] the Board

to be put up

4 Ask the Chief Commandant to give particulars of the cases (say, within the last 5 years) in which the relatives or servants of Officers and men of the Local Service Regiment have been attached by order of Civil Courts.

Legible

25 Dec

WJ

MGCPB—50,000—24-7-05

G.R.S. 12]
General and Revenues
Secretariat.

Leg's File No. 22 of 1906/7

Serial No.

1 Submitted with a draft
Secs SW
9/12/06 9/12/06 6 June
29/1/07

Draft Issued

2 12 Secs Govt of India No. 71862
5/1/07

3 From the Same no 3987 of 29.4.07
Furnishes the information called for
x reports that the Khunda of officers & men
has also been attached.
Subd. for orders.
KV. SW
30.4. 30/4/07

4 In the preamble to the Punjab Military Rep 1899 reference is made to the Standing orders for the Imperial Service Cavalry issued on 11.2.97 - Please get these Standing ors. May will state what legal validity the Standing orders have -
Sec
1/5/07

of the Standing orders of the 11th Feb 97, obtained from the Military Assistants office is herewith subd

MSD 4/5/07 Sec 266 of the Civil Pro Code as amended by Punjab VII of 1892 exempts the pay & allowances

NOTE—Contn. sheet

GPB—50,000—23-10-05

Serial No.

a any part thereof of the members of the Mysore Silledar & Risala Force below the rank of Jamedar in the case of the Silledars and a Silledar in the Risala Force. [whether before or after they are actually payable.]

But Collector's letter 9-2666

28/11/15/0 VII

[---] These words are not in the Regn

There is nothing to show that the Standing orders the Mysore Imperial Service Lancers have any legislative sanction or are binding in Civil Courts. If any [illegible] protection desired, the effective steps, legislative action will, I think, be necessary.

2. Is not the bonus payable to a Govt officer under the State Insurance Scheme protected from attachment? Case put up.

13 4. Are the officers & men of the Mysore Imperial Service Cavalry admitted to the benefit of the Insurance Scheme? Leg 4/5

Regd 5/5

R-V 1. Attention is invited to the printed copies of the Civil Pro. Code received from the Press, with all the latest amendments (page 72) under Explanation 3. Please see clause (f) on the same page, as inserted by Regn VI of 1901

under the rules of the State Life

G.P.I.—10,000—18-1-07

G.R.S. 12]
General and Revenue Secretariat.

Kg File No. 22 of 190 6

Serial No.

Insurance Rules Officers holding permanent appointments under the Govt. on the date of the introduction of the rules, and officers of ~~Govt~~ other Governments employed in the State service ~~and~~ or entering the service after the passing of the rules may insure their lives under the rules & Under rule 6 thereof, insurance shall be compulsory on all persons who enter the service after the introduction of the rules, unless they are specially exempted by Govt under exceptional circumstances.

17 The office of the State Life Insurance Secretary says that on the representation of the Chief Commandant ~~Assuming Govt~~ certain officers of the Imp Service Regiment were exempted from insuring their lives some time back and that none of the officers and men at present holds any policy. Perhaps a formal reference may be made to make the point clear

Govt
MS
6/5/07

* 1. The Chief Commandant wants that the exemption from liability to attachment by Civil Courts enjoyed by the Retiring Fund of the Imperial Service Regiments should be extended to the same Fund of the Local Service Regts

Note—Contn. sheet

GPB—40,000—12 5-06

G.R.S. 12]

General and Revenue Secretariat.

Leg File No. 22 of 1901

Serial No.

Vide Standing order No. 613 of the Imperial Service Regiment which refers to this exemption does not seem to be based on any legislative sanction the proposal of the Chief Commissioner (as well as the legalising of Standing order No 613) would therefore require legislation, the expediency of which is doubtful in view of the fact that according to the last paragraph by the Chief Commandant such cases seem to be by no means many-

See 9)

Lee
7.5.07

The rules relating to the "Retiring Fund" are I presume the same for the Local Service and Imperial Regiments. Those for the latter are given in Articles 604 to 614 of Part II of the Standing orders.

The "Retiring Fund" is formed out of compulsory deductions (in the way of monthly subscription) from the pay of officers and men, and has for its object "to improve the condition of the officers and men by encouraging thrift and to enable them to attend to their duties without the interference of baniahs, and to provide them with some addition to pension when they retire".

Accordingly, on the retirement or discharge of a person, or on his death, the amount subscribed with interest at 3⅛ per cent per annum is paid to him, or to his heir or executor as the case may be. An incidental

NOTE—Contn. sheet

GPB—40,000—12 5-06

Serial No.

incidental benefit derived by subscribers to the fund is that they are enabled to obtain loans from the Fund not exceeding a prescribed limit, the loans being recovered by monthly deductions from their pay.

2 5 As no officer or man is entitled to payment from the Retiring Fund before he actually retires, the Civil Courts, though they may place it under attachment, cannot insist on its being paid over in satisfaction of a decree before the person concerned actually retires (a rule)

2 1 In the next place, I do not see why these payments from the Retiring Fund cannot be regarded as "stipends and gratuities allowed to military pensioners of Government" within the meaning of clause (g) of the proviso to section 266 of the Civil Procedure Code. The fact that officers and men have to contribute to the Retiring Fund does not seem to make a difference, as "contribution towards pension" is a common incident under the Service Regulations in the case of an officer lent to a foreign body, and it cannot be contended that such a contribution detracts from the protection afforded by law to his pension.

The Government Advocate is requested to state whether he concurs in the above view of the law or whether he considers that legislation is necessary in order to protect "Retiring Fund amounts from being proceeded against by Civil Courts

12-07 McCleane Secretary Leg & Genl

13/5

Note—Contn. sheet

GPB—50,000—23 10-05

U.O. 29.

Serial No.

1. Either of the terms "Stipend" or "Gratuity" mentioned in clause (g) of Sec: 266 of the C.P.C. includes the "Retiring Fund", no fresh legislation is necessary. These two terms are not defined in the said Code They must therefore be taken in their ordinary acceptation. Stipend means a periodical payment for services rendered 'Encyclopedia Brit.' or "a fixed periodical payment or allowance" (Century Dictn.) In I. L. R. 4 Bombay 432, the Judges define the term pension as a stipend or periodical allowance. The Retiring Fund which consists of the amounts deducted from the pay of the officer with interest thereon at the Savings Bank rate and which becomes payable in one lump sum either to the officer on retirement or to his heirs after his death, cannot be said to be a stipend Nor can it be called a gratuity which means "that which is given gratuitously or as a free gift" while the Retiring Fund is, in reality the

Note—Contn. sheet

G.R.S. 12]
General and Revenue Secretariat.

File No. 22 of 1906

Serial No.

officers had earned money. I am of opinion that a fresh legislation is necessary in order to render the Retrenchment Fund not to be liable to be attacked by Civil Courts.

S. Narayana Rao
Govt. Advr.
16. 5. 07

Subd
The Secretary-
SW 18/5/07

To (1) (2)

lee 18/5
(D 50)

2944
20-5-07

lee 20/5

1. I believe the Government Advocate is right

2. Before however deciding upon applying to the Local Revenue Regiments the protection afforded to the Retrenchment Fund of the Imperial Revenue Cavalry it is advisable to see the rules under which the Retrenchment Fund of Local Revenue Regts is constituted I request that these Rules may be furnished for reference

3. It is also advisable to have a clear correct idea of the basis on which the "Standing orders of Imperial Revenue Lancers" were framed their validity I would like to see a note on this point

4 The rules (603-614) relating to the Retrenchment Fund of the

Note—Contn. sheet

GPB—50,000—23 10-05

Serial No.

Imperial Lemon Lancers appear
to be in arrears in one respect
thus - 605 Rs. lead one to think that
the Fund i.e. Wintering Fund based
upon the approval of Mess & mem-
bership 606 makes it compulsory -
and 614 Rs. lead one to think that
subscription is optional because the
words "No one who has not subs-
cribed to this Fund" contemplate
non-subscribers Is there any
way of reconciling this apparent
discrepancy?

35 On the merits of the question
if Mess & the advocable
& place the Regtl Fund whether
of the Local Lemon Regt or the
Imperial Lemon Lancers beyond
the reach of Civil Court decrees
& attachments - That in the
recent past the cases of attachment
have been few is rather a recom-
mendation for legislative protection
when the evil is i. its infancy
rather than an objection to legislation
asked.

2nd May 07

Put up draft & Mr. V. Notes
regd points (2), (3) & (4)

NOTE—Contn. sheet

GPB—40,000—12-5-06

Serial No.

Draft Subd. on the lines of the 1st Councillor's note.

K.V. SW 27-5 28/5/07

Draft received & passed by Sd. M. Saeed 28/5

4 Military Dept to Govt No 1361 & 31/5/07
Requests him to furnish Govt with a copy of the rules constituting the retiring fund of the Sikh Regt information as to the basis on which the Standing orders of the Imp Service Regts for Interval Sikhs and enquires if subscription to the retiring fund of the Imp S. Regts optional or Compulsory

5 From the Military Dept to Govt No 4 dt 8/8/07
Forwards copy of a letter from the Chief Commandant furnishing information on the above points.

7 In forwarding a copy of the rules under which the retiring fund amounts of the Sikh Regiments was constituted, the Chief Commandant Notes that the rules were brought into force on 1st June 1890; that the fund was organized by the then Mily Secretary with the Consent of the officers and men; the subscriptions were made Voluntary ~~Compulsory~~ as those who were in service then and ~~voluntary~~ obligatory on future recruits & that para 614 of the Standing orders

NOTE—Contn. sheet

Serial No.

applies only to the Cantt.

Standing orders of the Mysore Imperial Service Troops, it is stated that no part order was separately received when Part I was issued from the Asst's office Part I was approved by Govt. on 28/6/1895 and Part II was issued on 18th March/905

2. The Chief Commandant requests that sanction of Govt may be conveyed early for the standing orders, vide if any such is now

Legl
Draft for orders.
1 28/8/07 27/8/07 (9/1895) Please put up a draft amendment of sec 266 C.P.C affording protection to the amounts against attachment and sale in execution of decrees - Also a draft D O to the Residency
26 8.07 Mly

Legis 21/8/07
Draft of a regulation with the draft of statement of objects and reasons thereof is submitted It is not known if a draft D.O to Residency will be necessary as the matter is one affecting the Mysore Military forces (vide Sec 12 of the Legislative Council Regulation) -
26/8/07 27/8/07

Note—Contn. sheet

GPR—40,000—12 5-06

G. [illegible]. 12]
[illegible]neral and Revenue
Secretariat.

File No. of 190

Serial No.

Please type and submit - The matter need not, I think, go before the Legislative council (vide Sec 12 of Reg I of 1907)

4 - Put up a communication to the Residency

2. 9. 07 JWW

4 c.

Typed copies of the draft Regulation & Statement of Objects and reasons thereof with a draft letter to the J Secretary are submitted to the Secy

6. 9. 07 JWW

Draft of a Regulation further to amend the Code of Civil Procedure.

Whereas it is expedient to provide for the exemption of the Retiring Fund of Officers and men of the Imperial Service Lancers and the Local Service Regiment, created under standing orders from attachment and sale by Civil Courts in execution of decrees, His Highness the Maharaja is pleased to enact as follows:-

Preamble.

1. To the first proviso to section 266 Civil Procedure Code the following clause shall be added, namely;-

Addition to section 266 of the Civil Procedure Code.

"(q) The retiring fund of the Officers and men of the Imperial Service Lancers and the Local Service Regiment, created under the standing

standing orders issued for the guidance of Regiments concerned, and payments made from the said fund to Officers and men on their retirement or discharge or to their heirs, executors or other person or persons entitled thereto in the event of their death."

2. In the explanation to the same proviso, ~~substitute~~ the words "(m) and (q)" for the words "and (m)" *Shall be substituted*

- - - - - - -

Statement of objects and Reasons

To improve the condition of the officers and men of both the Imperial Service Lancers and the Local Service Regiment by encouraging thrift in them, to enable them to attend to their duties without the interference of money lenders, and to provide them with some addition by way of pension when they retire, a fund has been formed under the designation of "Retiring Fund" for the former and "The Silledar Retiring Fund" for the latter. Under the standing orders issued departmentally, subscriptions to these funds have been made compulsory in the case of men who enlisted themselves after the rules came into force and voluntary in the case of those who were already in service. In case of retirement and discharge, the amount subscribed plus interest at $3\frac{1}{2}$ per cent per annum less any amount due on account of loans, which are also issued to them subject to certain limitations and conditions is refunded to the party concerned, and in the event of his death to his heirs or executors. The object with which the fund is created will be defeated if it is not protected from attachments and sale by civil courts in execution of decrees. The present draft regulation has this end in view.

Council matter

4408
16.9.1907

Council

16.9

The Drafts may be approved

23 Feb 07

2.6.9

5.27.9.07

II committee)

Drafts may be approved.
The Retiring Fund should certainly
be protected from the decrease of

G. R. S. 12]
General and Revenue Secretariat.

File No. 22 of 1906

Serial No.

Civil Courts

WWL 3/10/07 JWS 3.10.07

6592

1/10/07

2 Dewan's order

The opinion of the Government Advocate may be obtained about the bill and as to whether it need not be placed before the Legislative Council.

B.O. 4/10/07

Forwarded to the Govt advocate

H.O. J23 12/10/07

H-O for favour of opinion

C&B 11/10/07

H.O. 19

The draft bill is, I think, sufficient to place the Revenue Fund beyond the reach of creditors through Civil Courts.

2. Though the bill exempts the Pay and Allowances of the Mysore Military Forces, yet it cannot be said to "affect" them within the meaning of Section 12 of Reg: I of 1907. On the other hand the bill expressly takes away the executing right

Note—Contn. sheet

Serial No.

of their creditors to enforce their deemed claims against certain property of their debtors and thus affects them (Creditors) injuriously I am therefore, of opinion that it is necessary to place the bill before the Legislative Council

A. Narayana Rao
23.10.07 Govt advocate

In one necessary way, the bill affects the Military Force as much as in another way it does the creditors

Secy) 25.10.07 WWD

~~Subsa~~ Since the measure ~~affects~~ concerns the interests of not only the military forces but also the Civil population who have contractual relations with persons in military service it seems desirable to place the bill ~~to~~ before the legve Council If this Course is approved the Residency will be informed of the proposed legislation & further action taken

Dewan

6800/4/11/07

CSB
4/11/0,
WWD
4.11.

Dewan's order
The bill can be placed before the Legislature

Note—Contn sheet.

G. R. S. 12]
General and Revenue Secretariat.

Leg File No. 22 of 1906

Serial No.

Counsel

To the general amendment of the Civil Procedure Code will now have to be taken up, this may lie over for the present and be considered when the Code is amended.

B.O
6/11/07

To Please reply as to this with

14/11

Put up draft please.

12.11.07

Draft sent
12/11/07

Issue
13.11.07

To the Military Assistant to Govt., Bangalore

Legal
No. 1545 dated 14/11/07

Please note. States that the amendment of the Civil Pro. Code will now have to be taken up & that matter will be considered in that connection

B Rect 6/11
13/11/07

Note—Contn sheet.

GPB—50 000—17-3.07

Mysore 6/13 2nd Legis 2206-1

J 1402

No. 2337
F. No. Encl with a book

MILITARY ASSISTANT'S OFFICE,

DATED BANGALORE, 12/12/ 1906.

From

LIEUT.-COLONEL R. G. JONES, I. A.,

MILITARY ASSISTANT TO THE GOVT. OF MYSORE,

To

K.S. Chandrasekhara Iyer Esqr B.A. B.L.

Secretary to the Government of H.H. the Maharaja of

Mysore General & Revenue Departments

Sir,

I am desired by the Dewan to forward the enclosed papers relating to the exemption from the attachments of amounts at credit of the Local Service Regiment in the Retiring Fund for favor of necessary action.

I have the honor to be

sir

Your most obedient servant

R G Jones Lt. Colonel.

Military Assistant.

Be

MEMORANDUM.

MILITARY DEPARTMENT.

TO THE DEWAN OF MYSORE

FOR ORDERS.

No 158 Am: 2

DATED 1/12/06 SUBJECT.

Exemption from attachment by civil Courts of amounts at credit of the Officers and men of the Local Service Cavalry, in the Retiring Fund

---

I submit herewith Chief Commandant's letter No, 1800 dated 26--11-06 on the above subject.

Under para 613 of the Standing Orders Part II of the Imperial Service Lancers, subscriptions paid to the Retiring Fund are not subject to attachment by Courts.

The Chief Commandant recommends that the above rules may be extended to the Local Service Regiment also.

As far as I understand legal proceedure any order passed can merely prevent the Chief ----

The papers may be sent to the Gen Rev Secty for opinion

BO

10.12.06

Read 10-12-06

GPT—250—9-8-06

Chief Commandant being directed to pay the money to the creditor or into Court.

Once however the money has been paid over to the Treasurer there is no restriction on the creditor attaching it

I really doubt therefore whether legislation on this point would be very useful

Lt. Colonel.

Military Assistant.

1877
26-11-

C C O

OFFICE OF THE
CHIEF COMMANDANT,
MYSORE STATE TROOPS.
THE 26th Nov 1906

No. 1800
Enc.

FROM Lt Col J. Devaraj Urs, M.V.O.
"~~THE~~ CHIEF COMMANDANT,
MYSORE STATE TROOPS,
BANGALORE.

~~SIR,~~ To,

Lt Col R G Jones I.A.
Military Assistant to
the Government of Mysore

Sir,

I have the honor to state for the information of Government that the Retiring fund amounts of the officers and men of the Local service Regiment are liable to be attached by Civil Courts in satisfaction of decrees passed against them. This procedure of the Courts is quite in conflict with the object of the fund, which is to improve the condition

of

From

THE CHIEF COMMANDANT

MYSORE STATE TROOPS

BANGALORE.

To

Dated

Despatched

General No.

No.

Enclosure No.

SUBJECT

of the officers and men by encouraging thrift and to provide them with some addition to pension when they retire. In the Imperial service Regiment the fund is protected from being attached according by article 613 of the Standing orders part II which prohibits the Courts from attaching it.

I request therefore that you will be so good as to move the Government to extend the application of the article under reference to the Local Service Regiment also

I have the honor to be,
Sir,
Your most obedt servant

J. D. Smyth
LT COLONEL
Chief Commandant.
Mysore State Troops.

III

G.R.S. 26]

File No. 22-06

Serial No 2

Diary No. of letter replied to 9402.

No. 91882

General and Rev. Secretariat
(Legislation)
, the 190

To

The Military Assistant to
the Government of H.H. the
Maharaja of Mysore

Date of issue 5-1-07

Signed by [illegible]

Sir,

Adverting to your letter no 2337, dated the 12th December 1906, forwarding papers re exemption from the attachment of Court Courts, of amounts at credit of the Local Service Regiment in the Retiring Fund, I am directed to request you to be so good as to obtain and furnish the particulars of the cases, within the last five years, in which the retiring fund amounts of Officers and

over.

SUBJECT.

and men of the Local Service Regiments
have been attached by order
of Civil Courts

I have &c

W S
29/12/06
for Secretary

W.O. SW
29/12/06.

List of enclosures,

Copied by [illegible]

Examined by [illegible]

MGOPD—20,000-19-12—04.

No

From

Lt.Colonel. R.G. Jones I.A.

Military Assistant to the Government of Mysore

To

K.S.Chandrasekhara Iyer Esqr B.A.B.L.

Secretary to the Government of H.H.the Maharaja of

Mysore General & Revenue Departments

Sir,

With reference to your letter No J 1882/Legis 22-06-2 dated 5-1-07 I have the honor to enclose herein a statement forwarded by the Chief Commandant showing instances in which the amount of Retiring Fund belonging to the Officers & men of the Local Service Regiment have been attached by the Civil Courts since 1900.

The Chief Commandant reports that the Chunda of the Officers & men have also been attached and such instances have also been included by him in the statement referred to above for the information of Government.

I have the honor to be

sir

Your most obedient servant

R Dunn ~~Lt.Colonel~~

for Military Assistant.

From

To

Dated

Despatche

Received

General No.

No.

Enclosure No.

| | | |

G.R.S. 26]

File No. 22

Serial No 4

Diary No. of letter replied to _____

No. J 3601

General and Rev. Secretariat

the 190

To

The Military Assistant
to the Govt of Madras

Date of issue 31-5-07

Signed by [illegible]

Sir

Adverting to the correspondence ending with your letter no. 3987 dt 29.4.07 regarding the exemption from attachment by Civil Courts of amounts at the credit of the Local Service Regiment in the Retiring Fund, I am directed to request you to furnish this office with the following particulars:-

1. The rules under which the Retiring Fund of Local Service Regiments are constituted.

2 A note on the basis on

^ of the Retiring Fund of Officers in the Local Service Regiments ~~is directed to~~ maintained ~~by~~ ~~to be directed~~ have the honour to request that a copy of the rules under which the Retiring Fund of the Local Service Regiments constituted may be sent to this office

2 As regards the rules relating to the Retiring Fund of the Nilgiri Local Service Regiment ~~I am to observe~~ that ~~it~~ (contained in paras 60 & 66 of the Standing Orders) are ~~to be observed~~

SUBJECT.

which the Standing orders of the Mysore Imperial Service Lancers rest for their validity

3. There seems to be some inconsistency in the rules 603–614 relating to the Retiring Fund. Para 605 would lead one to think that the Fund is a voluntary fund based upon the approval of officers and men but Para 606 makes it compulsory; Para 614 would lead one to think that Subscription is optional. Para 6 to ensure whether the subscription is optional or compulsory ~~Is there any way of reconciling this discrepancy?~~

4 I am also to request that Govt may be furnished with information as to the basis on which the "Standing Orders of the Mysore Imperial Service Lancers rest for their validity

I have &c

&c

Secretary

List of enclosures,

K.N. 27.5 SIV 28/5/15

Copied by CL 29/5

Examined by CM 29/5

MGCPB—20,000-19-12—04.

No. 445
F. No.

MILITARY ASSISTANT'S OFFICE,

DATED BANGALORE, 8/8/ 1907.

From

LIEUT.-COLONEL R. G. JONES, I.A.,

MILITARY ASSISTANT TO THE GOVT. OF MYSORE.

To

C.S. Balasundaram Iyer, Esquire, B.A.,
Secretary to the Govt of Mysore,
General & Revenue Departments.

Sir,

With reference to the correspondence ending with your No.246 of the 24th July last I have the honor to enclose for your information Chief Commandant's letter No.329 of the 5th Instant enclosing a copy of the Rules relating to the Retiring Fund of the Imperial Service Regiment and explaining that subscriptions were made obligatory on all ranks enlisted subsequent to the date on which the above rules were brought into force and voluntary for those in the service at the time.

I have the honor to be,
Sir,
Your most obedient servant,

R G Jones Lt.-Col.,
Military Assistant.

GPB--1,000 copies—13-7-07

No 929 Encl

Office of the Chief Commandant

Mysore State Troops

Dated 5th August 1907

336
5-8-07

79

From

Lieut-Col. J. Desaraj Urs, M. V. O.,

Chief Commandant, Mysore State Troops

To

Lieut-Col. R. G. Jones, I. A.,

Military Assistant to the Govt of Mysore

Sir

With reference to your No.4354 of 4th June 1907, I have the honor to forward herewith a copy of the rules under which the Retiring Fund of the Silledadar Regiments, has been constituted.

The Rules were brought into force on 1st June 1890.

The Fund was organized by the then Military Secretary Colonel Macintire, with the approval of the Officers and men The subscriptions were made obligatory on all ranks enlisted subsequent to the above date and voluntary on those who were in service then. Para 614 of the Standing Orders, applies only to the latter.

Re the basis on which the Standing Orders of the Mysore Imperial Service Lancers rest for thir validity, I have to state, that no Government Order was received separately when the books (Part) were issued from your office. It appears Part I was approved by the Dewan on 23rd August 1899 and ordered to be issued at once Similarly Part II was issued on 21st March 1905.

If the sanction of Government for the confirmation of the Standing Orders is necessary, I request you to kindly obtain the same now, and communicate it to me.

I have the honor to be,

Sir,

your most obedient servant,

J Desaraj Urs

Lieut-Col.

Chief Commandant,
Mysore State Troops.

(1) Sillahdar Regiment.

I. That these rules be brought into force on 1st June 1890.

II. That the Fund be styled the "Sillahdar Retiring Fund"

III. As approved by the Officers and men the below noted subscriptions be deducted from their pay and credited to the Retiring Fund'

Subscriptions

	Rs		Rs
Regimentdar	20	Dafadar Peishcar	2
Ressaldar	10	Trumpet Major	2
Sarzafadar	4	Lance Dafadar	1
Sir Peishcar	4	Sillahdar Farrier	1
Jemadar	3	Trumpeters &c	1

IV That the payments of subscription are compulsory

V All recoveries made on account of the Retiring Fund be remitted to the Military Secretary's Office for the purpose of being deposited in the Bank in the name of the Military Secretary.

VI. That loans not exceeding the below noted sums be granted from the sum credited to this Fund on the security of the Chanda Donation, except in special cases when, on the recommendation of this Commanding Officer special loans will be made equal to the Chanda held by Government:-

Loans

	Rs		Rs
Regimentdar	1000	Peiskar	300
Ressaldar	800	Trumpet Major	300
Sarzafadar	800	Farrier major	300
Jemadar	400	Lance Dafadar	200
Sar Peishcar	400	Sillahdar	200
Dafadar	300	Trumpeter	200
Neshanbardar	400	Farrier	200

VII. That recoveries in the below noted proportion be made monthly from the pay of the Officers and men towards the liquidation of the above loan plus interest at 6¼ per cent per annum.

Instalments

Regimentdar	50	Trumpet Major	5
Ressaldar	20	Farrier major	5

Instalments

Sarzafadar	20	Peishkar	5
Jemadar	8	Lance Duffedar	4
Sar Peishcar	8	Silladars, Trumpters	4
Dafadar	5	Farriers Bhishanawaz	4
Veshanbardar	5		

VIII That all surplus money after meeting the liabilities of the Officers and men accruing to this Fund be invested in Government Papers

IX. In case of retirement discharge and death the amount subscribed plus interest at 3½ per cent per annum, be refunded to the parties concerned: provided they are owing nothing to the Fund. In the event of death the amount subscribed be handed to their heirs or executors

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Copy

For Chief Commandant,

Mysore State Troops

G.R.S. 26]

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Dep File No. 22/06

Serial No. 6

Diary No. of letter replied to

No T. 1545

General and Revenue Secretariat

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To

The Military Secretary
Fiji Brigade

Date of issue 16-11-07

Signed by Mr K. Mylarkey

Sir

With reference to the correspondence ending with your letter 1145 dated the 8th inst 1907 regarding the exemption from attachment by civil Courts of the returning fund amount of the officers ending of the Local Service Agreement I am directed to state that ~~no provision in the~~ ~~is possible without an~~ ~~Corresponding~~ amendment of the Civil Procedure will soon have to be taken up and that ~~an~~ ~~amendment~~ ~~of the Civil Proc~~ amendment of the Civil Procedure Code

the general

over.

SUBJECT.

Will you kindly be taken
and wear
Capt W. Mullen standard
for our Parliamentary Candidate will be
Carried only in Mark Common

Yours truly

WWL
Secretary

SW

12/11/67